

**BEFORE THE INDIANA CIVIL RIGHTS COMMISSION**  
**311 West Washington Street**  
**Indianapolis, Indiana 46204**

STATE OF INDIANA    )  
                                  ) SS  
COUNTY OF MARION )

**LINDA M. BATES,**  
**Complainant,**

**DOCKET NO. 03149**

**vs.**

**BOARD OF TRUSTEES FOR**  
**VINCENNES UNIVERSITY,**  
**Respondent.**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND ORDER**

The above cause was the subject of an administrative hearing held on December 14, 1978 in the rooms of this Commission. Present were Commissioner James A Lang, who served as Presiding Officer, Commissioner John C. Carvey, Commissioner Nedra S. Kinerk, Commissioner Mary W. Shafer, and Commissioner David L. Staples. Commissioners C.T. Boyd and Everett J. Coleman were not present.

Complainant was present and represented by counsel, Mr. Robert D. Lange and Ms. Kathleen A. Young. Respondent was represented by counsel, Mr. Donald G. Bell, of the firm of Hart and Bell.

Having considered the evidence introduced at the hearing and arguments of counsel, including the Proposed Findings of Fact, Conclusions of Law, and Order submitted by each and being duly advised in the premises, the Commission hereby enters the following Findings of Fact, Conclusions of Law, and Order.

## **FINDINGS OF FACT**

1. Complainant Linda M. Bates (hereinafter referred to as ("Bates")) is a female citizen of the State of Indiana.
2. Respondent Board of Trustees for Vincennes University (hereinafter referred to as "the University") is a State educational institution governed by a board of trustees which has at all times material to the instant complaint employed six (6) or more employees.
3. Bates timely filed a complaint against the University in September 1972 contending that her discharge of July 14, 1972 was sex discrimination in violation of the Indiana Civil Rights Law by the University.
4. Bates was employed in June 1971 by the University in its C.A.T.V. office, C.A.T.V. standing in for Cable Antenna Television.
5. At the time of her initial employment with the University, Bates' name was Linda M. Utt. The subsequent change of her name is reflected in the amended complaint filed June 14, 1976.
6. The second amended complaint corrected a misnomer of the University and was filed July 24, 1978.
7. Bates was employed in the C.A.T.V. office in a clerical position. The functions involved included taking applications for new customers; collecting fees due and recording their payment for computer processing and print out; making bank deposits; taking telephone calls regarding customer service and complaints; and preparing service or work orders.
8. Bates worked in the office with another employee, Ms. Emory Felan.
9. When asked to identify the customers with whom Bates had difficulties, the University indicated a Mr. Bernard Nathan and a Ms. Kathryn Williams.
10. The University received customer complaints concerning the operations and procedures of the office in which Mrs. Bates and Mrs. Felan worked.
11. The university concluded that the most efficacious manner by which to resolve the perceived problems with the operation of the office in which Mrs. Bates and Mr. Felan worked, was to change personnel in said office.

12. Mrs. Bates was discharged as the result of the decision to effect personnel changes.
13. Mrs. Felan was retained in her job by the University.
14. Because one woman was retained by the University it does not appear that the basis for Complainant's discharge was her gender.
15. It is not the responsibility of the Indiana Civil Rights Commission to pass upon the cogency of an employer's reasoning in making a decision pertaining to an employee, but merely to determine whether a Complainant has proven the commission of an act of unlawful discrimination. It is the decision of this body that proof of the presence of Respondent's consideration of gender in the decision to discharge Complainant is absent in the circumstances of her discharge.
16. Because of the absence of an act of unlawful discrimination, Complainant has suffered no damages cognizable under IC 22-9-1.
17. Any Conclusion of Law which should have been deemed a Findings of Fact is hereby adopted as such.

### **CONCLUSIONS OF LAW**

1. The complaint was timely filed under IC 22-9-1-3(o).
2. The Commission has jurisdiction over the subject matter and the parties.
3. The University is an "employer" as that term is defined in 22-9-1-3(a).
4. The University is an "employer" as that term is defined in IC 22-9-1-3(h).
5. The University did not commit a "discriminatory practice" that term is defined in IC 22-9-1-3(1) when it decided to terminate one of the two females employed in its C.A.T.V. office.
6. Any Finding of Fact which should have been deemed a conclusion of Law is hereby adopted as such.

**ORDER**

The complaint of Complainant, Linda Bates, shall be and it hereby is dismissed for the reasons aforestated.

**Signed: February 16, 1979**